

# **P L A N N I N G   C O M M I S S I O N**

## **ACTION MINUTES**

**TUESDAY, JULY 19, 2005**

Chair Parsons called the meeting to order at 7:01 p.m. at the Twin Pines Senior and Community Center.

### **1.        ROLL CALL:**

Present, Commissioners:                Parsons, Dickenson, Frautschi, Gibson,  
Long, Wozniak, Horton

Absent, Commissioners:                None

Present, Staff:                                Community Development Director Ewing  
(CDD), Principal Planner de Melo (PP), City Attorney Zafferano (CA), Acting  
Recording Secretary Tompkins (ARS)

### **2.        AGENDA AMENDMENTS:                                None**

### **3.        COMMUNITY FORUM (Public Comments):                None**

### **4.        CONSENT CALENDAR:**

**Commissioner Gibson asked that Items 4A and 4B be discussed separately.**

### **4A.        Minutes of 4/19/05 Planning Commission Meeting**

**MOTION: By C Frautschi, seconded by VC Dickenson, to accept the Minutes of April 19, 2005 as presented.**

**Ayes: Frautschi, Dickenson, Gibson, Horton, Wozniak, Parsons**

**Noes: None**

**Abstain: Long**

**4B. Resolution Denying Request for Extension of Approvals –  
Atrium Commercial Development – 877 Ralston Avenue**

Peter Jordan, one of the owners of the project, spoke briefly about the history of the project, adding that the Emmett House moving was taken into consideration in the plans, and that the tree removals were permitted. He concluded that they are going to bring the project back, will remodel the buildings, and hopes the Commission will cooperate and work with them so that they can do what his father wanted to do in the first place. They are trying to help the City and want to do the right thing by the City.

C Frautschi responded to Mr. Jordan by pointing out that it had not been decided that the Emmett House would be moved when they were putting their plans through, and that there was no indication that all of the trees were going to be removed. He added that they are not denying the project, they are denying the extension.

C Long commented about how important it is that Belmont develop the property in the right way and felt that the applicant had been given a clear opportunity to do so. The Commission was faced with a precedent-setting double extension and there was very little evidence that some of the due diligence had been done; there wasn't enough there for him to think that it was worth making a precedent-setting extension of the approval.

**MOTION: By Commissioner Frautschi, seconded by VC Dickenson, adopting the Resolution denying an extension of a Conditional Use Permit and Design Review for the Atrium Commercial Development at 877 Ralston Avenue, based on not being able to find for Findings (b) and (c) in the staff report. (Appl. 01-0073)**

**Ayes: Frautschi, Dickenson, Long, Wozniak**

**Noes: Gibson, Horton, Parsons**

**Motion to passed 4/3**

Chair Parsons stated that this item may be appealed to the City Council within ten days.

Chair Parsons noted for the record that he was in favor of granting the extension because he felt that the Commission and staff had put a lot of time into the project. He added that he had learned during discussions that there were plans to change the project, so that it would not make much difference whether the extension was approved or denied, because the original Conditions of Approval for the project stated that if there were any changes to the design in terms of size, construction or appearance they were going to have to come back to the Planning Commission anyway. He emphasized that the Planning Commission wants to have a good project there and wants to see that when they spend a lot of time on it, everybody else is also spending a lot of their time on it to keep things moving. He looked forward to the project coming back.

## **5. PUBLIC HEARINGS:**

### **5A. PUBLIC HEARING – 900 South Road**

To consider a Single Family Design Review to construct a new 3,489 square foot single family residence that is below the zoning district permitted 3,500 square feet for this site. (Continued from 3/15/05 Planning Commission Meeting)

(Appl. No. 2004-0051); APN: 045-151-070; Zoned: R-1A (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15303

Applicant: Janet Chuang; Owner: Ramin Dariani

PP de Melo summarized the staff report, recommending project approval with the Conditions of Approval as attached. He called attention to an error on page 2 under Ridgeline Visibility, which should read "The dwelling has been shifted approximately 8' down the hill..." not 20'.

Janet Chuang, architect/applicant, was available to answer questions. C Gibson asked if the owner is planning to acquire a certain trapezoidal piece of property shown on the map. Ms. Chuang responded that they do not plan to buy it. She added that the staff summary lists what they tried to address as a result of meetings with staff and after reviewing the March 15<sup>th</sup> Minutes, and hoped that the Commission will follow the staff recommendations and approve the project.

Chair Parsons opened the Public Hearing.

Bob DuBridge, Holly Road, expressed his concerns about destabilization, trees dying and the loss of view from his property. Commissioners responded that there is no ordinance that protects private views in the City of Belmont, Monterey Pines in town are dying due to a disease, the applicant is proposing to plant 30 new trees, he is free to look at the plans to determine what kind of trees they will be, people have the right to the enjoyment of their property, there are working hours allowed for construction, and the City Council is working on a new noise ordinance.

**MOTION: By Commissioner Frautschi, seconded by Commissioner Dickenson, to close the public hearing. Motion passed.**

All Commissioners expressed their appreciation for the work that was done to follow the design guidelines and Commission direction from the last meeting, and were prepared to support the project.

Chair Parsons added that he felt the project is much improved but thought they could have done a better job of stepping up the hillside in the back of the house. He did not think that digging out the flat back yard and using retaining walls was a good idea, and suggested that if in the future the architect gets a chance to do more houses in Belmont she think more about getting rid of that back yard hole in future designs.

**MOTION: By Commissioner Gibson, seconded by Commissioner Long, to adopt the Resolution approving a Single-Family Design Review at 900 South Road (Appl. 04-0051).**

**Ayes: Gibson, Long, Frautschi, Horton, Wozniak, Dickenson, Parsons**

**Noes: None**

Motion Passed 7/0

Chair Parsons noted that the item may be appealed to the City Council within ten days.

## **6. OLD BUSINESS:**

## **6A. Landscape Plan – Wells Fargo Bank – 1045 Ralston Avenue**

CDD Ewing summarized the staff memorandum, recommending approval of the revised landscape plan as attached and presented on the color boards provided by the applicant.

Responding to VC Dickenson's questions, CDD Ewing stated that there is a single lighting standard in the island of the front parking lot, which will have four light standards on it and is located directly in front of the ATM area. As to whether it complies with the Downtown Specific Plan, he stated that it is a modern square box design and that was it was not reviewed.

Randy Norman, Project Manager for Wells Fargo Bank for the air conditioning project, stated that he hopes the revised landscape plan meets the expectations of the previous discussions, and that they are given specific direction so that they can meet whatever expectations they have not met and can proceed quickly with the air conditioning project.

Harry Nakagawara, landscape architect, stated that their first order of work was to evaluate what was happening at wells Fargo and what they found, in their opinion, was a well-maintained, older landscape with an old irrigation system. Their concept in the landscape plan was to strive for a high quality site appearance that is somewhat updated and meets some of the other developments in the downtown area. He described the plan in detail, referring to color boards, noting that it is proposed to update the portions of the irrigation system that are working and add irrigation to cover the new plantings, utilizing irrigation controllers that are programmable so that the ultimate water salients are achieved. He added that the plant palette that they developed for this project included plants that are used in other new developments downtown, and they feel that the facility will be an asset to the downtown area.

C Wozniak asked if they are removing the spotlights in the front. Steve Lewis, Lewis Architectural, responded that one of the requests of the Planning Commission was to remove the three spotlights. The four lights on the posts are in theory replacing the spotlights. He added that there is a minimal lighting standard in the State code for ATMs; the three lights on the roof will come down and the four lights on the pole are directed downwards so there will not be the current glare.

Responding to Chair Parsons' question, Mr. Lewis stated that they will water the potted plants by extending the irrigation system.

C Frautschi stated that, on consultation with the City Arborist, he was told that the sequoia gigantum is beginning to fail and is basically probably on its way out; he wanted Well Fargo to be aware of that since it is a significant tree to the entire downtown area. He added that he would like to see something more vigorous than the star jasmine paired with the Oak trees; he would like to see a more shade-tolerant, less water-desiring plant there.

Responding to VC Dickenson's question, CDD Ewing stated that he did not know who owns the fence between the project and City Hall/Twin Pines Park. When asked if the applicant would be willing to remove the fence, Mr. Norman stated from the audience that they would be willing to consider anything the Commission feels is adequate to move the project along,

C Long apologized to Mr. Lewis for being such a thorn in his side, noting that it is certainly not reflective of the work he has done on this project, which C Long thought has been outstanding. He was a little concerned about the lighting not fitting the DTSP rules but trusted that the City had diligently held them to a high standard that the Commission will be pleased with. He thought the landscape improvement, especially along 6<sup>th</sup> Avenue, was dramatic and significant and was what they were looking for.

C Frautschi thanked all three gentlemen and also apologized for being such a pain to their plans. He wanted to add that he thinks the Quercus Phellos

Oak is a good choice for that area and should tie in nicely with the street trees. He appreciated the attention to detail, especially on the planter boxes along the catwalk, and while this project started out as an air conditioner, as a citizen of Belmont he truly appreciated Wells Fargo's efforts.

C Gibson stated that he liked the planter boxes and Commissioners Wozniak and Horton concurred, and also appreciated the efforts in the landscape area and removal of the lights.

VC Dickenson wanted to 1) make a condition that the lighting standard conforms to the DTSP, and assure that there is some continuity there, and 2) he would really like to see that fence come down. He referred back to when he and Chair Parsons co-chaired the Urban Design Group in Visioning a number of years previously and they we talked about taking down some of the fences downtown to create one cohesive, wonderful place to roam around. He felt this was an opportunity to act on that—to remove that fence, whoever owns it.

Chair Parsons agreed that this is a major improvement that will go a long way towards making downtown look better. His one concern was with some of the plants that are short lived, such as the lavender, and hoped that the bank will be conscientious about replacing plants when they start to fade.

## **7. NEW BUSINESS:**

### **7A. Redevelopment Area Sidewalk Repair and Street Tree Replacement Project – Public Works Department**

CDD Ewing stated that this presentation is made under the protocols adopted for the Commission to have an opportunity to review public improvements that would not otherwise be subject to their authority because it is outside of the authority of the Zoning Ordinance. Council



thought that it would be worthwhile to have the Commission's input on public projects such as park remodels and park equipment, as well as street improvements.

Bennett Chun, Associate Civil Engineer with the Public Works Department and Project Manager, summarized the staff report, stating that they will ask the Commission to provide comments and suggested modifications to the plan, which will be forwarded to City Council for their consideration for the final design.

Todd Young, Gates and Associates, presented the conceptual landscape plan and discussed the tree species suggested in the staff report for tree replacement, referring to color boards and pictures. He stated that they are looking at completing the project before the winter shopping season starts at the end of October.

Responding to C Horton's question, Mr. Young stated that they are installing root control barriers. C Horton commented that the tree in front of the Wells Fargo sign may need to be tweaked around a bit and it may affect the one in front of City Hall. She also questioned whether they want to put trees in front of the proposed Atrium project only to have them damaged potentially.

C Wozniak asked if there were any other options to incorporate native trees in the plan. Mr. Young responded that when it comes to streetscapes, because it is a high urban environment, the aggressiveness of the roots play a large part in the tree selection, and also that the native trees tend to grow slower and that upsets the retail establishments because they get blockage for a larger period of time and the tree doesn't get a chance to get its full canopy. He added that one of the Oaks would be great if it was installed now and they had a 10' buffer and then moved the traffic lanes in after the tree matured. To install it now with a well-developed narrow passageway, it is not feasible to keep a lot of the native trees alive. The natives like to be smaller and do not tend to be high canopy, so that blocks the signage and the store frontage. He added that they are going by the design guidelines that were already proposed.

Responding to a question from VC Dickenson as to whether they got feedback from the affected businesses, Mr. Chun stated that two businesses attend a neighborhood meeting – the florist and the restaurant owner. The florist was concerned that the tree canopy was blocking their windowpane and they are trying to take care of that issue with fast growing trees. The issue with the restaurant owner was that berries drop from that tree, people track them into the restaurant and he has to clean it up twice a day, so they are proposing to get rid of that tree and replace it with some other tree.

VC Dickenson asked if the tree grates match the other ones in the downtown area and if they have to buy a whole new one as the tree grows. Mr. Young responded that they are the same as those already installed and that they have three rings that are sacrificial; they are designed to have it removed as the tree grows.

VC Dickenson asked if the section on the color board marked in purple going up Fifth Avenue is going to be addressed. Mr. Young replied that they are planning to include that area as a part of their bid package as an add-on alternate or a deduct alternate.

C Gibson commented that he thinks native trees are great in the hills but that in an urban area you have to be practical and do things that are going to last, not tear up the sidewalk and not interfere with traffic and so forth.

C Frautschi commented as follows:

- Liked the idea of putting Ginkgos on Sixth Street since they can grow from 1' to 3' a year, they are a good street tree, and he recommended that if anyone wants to see a lot of them there is a spectacular street at Stanford.

- Would like to see a complete design and inclusion of the treescape in front of Henri's and Bushwhackers.
- Would not propose the Magnolia—it is full of flower pods, hard leaves, fallen seed heads to be picked or raked up daily or weekly May through September.
- Likes the *Quercus agrifolia* and pointed out that it is one of the varieties recommended in the DTSP.
- Another variety which wasn't considered in the report is the Quercus Oak, which is also in the DTSP.
- He did some research on the *Quercus rubra*, a deciduous red Oak, and it seemed ideal to him for this application. It is fast growing, initially needs a lot of water and it needs to be staked but it has a high habitat, which means once it gets there the branches don't become an issue for pedestrians. The book said it makes a good tree for big lawns, parks and broad avenues and he envisions that eventually the sidewalks in this area are going to end up being even bigger than what's proposed here, that parking is going to be incorporated there and that what we see as six lanes is not going to be there. He is willing to go with the *rubra* if the landscape architect will look at it—it seems like an ideal tree, because he would eventually like to see a median down the center of Ralston at that point, similar to what San Carlos has, and maybe there incorporate the native *Quercus agrifolia*.
- He proposed that somewhere down the line they eliminate the two parking spots in front of Caprinos—they're a hazard when people turn the corner. He suggested continuing the whole ginkgo thing to that curb and maybe creating an outdoor seating area there would be beneficial.

C Long concurred with C Frautschi's comments and supports the Maidenhair tree. He felt they are doing a good job of populating the hillsides with Coast Live Oaks and this might not be the best place to continue that trend. He liked the thought that they could be consistent with all the trees being the same along a run and the idea of removing the parking in front of Caprinos and bumping out the sidewalk. He added that he was hopeful that they will be able to extend along 6<sup>th</sup> to the north, which would complete a nice project.

Chair Parsons commented as follows:

- He felt that the Commission spends a lot of time trying to enhance downtown Belmont, with more trees and improve it, and now they are talking about “pulling a San Carlos” and cut down all the existing street trees between 6<sup>th</sup> Avenue and El Camino, some of which are a pretty good size. He suggested planting around them until they eventually die and then replace them. He felt that a lot of public works departments approach this kind of issue by cutting down 75-year-old trees and replacing them with 2” sticks. He asked that they take a second look at cutting a couple of those large trees down that are on Ralston Avenue and just plant around them.
- The Coast Live Oak is a terrible choice for paved areas; it does have invasive roots. It works in a place like Safeway where it’s sitting in a planting bed.
- Likewise the Southern Magnolia; it’s too broad and walking under them can be dangerous in wet weather.
- He had some doubts about the Evergreen Pear because it doesn’t get that big and seems to put its mass right where the signs are going to be on the buildings.
- He likes the Ginkgo biloba. They need be concerned on the north side of Ralston because there are canopies that stick out and have to be considered. If they are going to put evergreen trees there they will have to be a narrow upright kind of tree because they’re going to have to get above the canopies before they put any head out.
- Suggested consideration of the Scarlet Oak, some of the Ash trees, and the Sycamore London Pride variety, which we have further up Ralston in front of the apartments. He believes it is a beautiful tree, they’ve been there since at least 1969 and they are not taking up the whole sidewalk.
- He asked if the Commission will have a chance to see the final plan and was told by Mr. Chun that they will.
- He reiterated that he thought they should keep a few of the trees that are there, adding that all they have on Laurel Street in San Carlos are a bunch of pavement and building fronts and tiny little stick trees sticking up, and that is their downtown for the next 25 or 30 years. He did not believe Belmont wants to do that. He mentioned that the Commission admonished the owners of the Atrium project for cutting down trees in the back and now

the City is proposing to cut them all down in the front, so there is no logic there.

- It is next to impossible to park in the one space between the two trees in front of Caprinos and Henris because you can't see the curb. He concurred that the two spaces in front are also very dangerous because people make the right turn there, and suggested that Public Works see how they can improve that corner.

- The Shademaster is a nice tree but, in a tight area until it gets some height, it could be a problem since it has thorns and also pods.

VC Dickenson concurred with previous comments about the front of Caprinos, and suggested that if the dollars are there they go back and articulate in the RFP or the contract to possibly move the bid alternative that is on 5<sup>th</sup> Avenue to the front of Caprinos. He added that he also supported Chair Parsons on the old growth vs. the new growth, adding that it would be nice to see some wisdom on the street.

Mr. Chun responded that when they first started this project they asked Karl Middlestadt, Parks and Recreation Director, if they could somehow shave the tree roots and were advised that doing that will compromise the trees and they might fall.

***NOTE: The audio tape malfunctioned at this point so that Tape 2, side B, of the meeting could not be accessed. The concluding comments on the Public Works project and detailed discussion regarding Item 8A, Notre Dame High School Code Compliance, is not available.***

## **8. REPORTS, STUDIES, UPDATES AND COMMENTS**

### **8A. Notre Dame High School – Code Compliance Update – 1540 Ralston Avenue**

Commissioners Frautschi and Horton recused themselves from discussion of this item and left the room.

Nancy Popa, Terrace Drive, addressed the Commission regarding her concern about liability issues with balls coming over the fence from the ball field.

Debbie Norton, Whipple Way, shared some pictures with the Commission, and had concerns about the landscaping.

John Clardy, Director of Finance answered questions from the Commission. Discussion ensued regarding the wayward balls, landscaping issues, amplified music, lights on the gymnasium, and "No Parking" signs.

## **8B. Other Reports and Comments**

Commissioners Frautschi and Horton returned to the dais.

Chair Parsons expressed his concerns about how a recent issue with a Valley View property was handled by staff. When Commissioners raise an issue and ask for a report, he felt it would have been appropriate for staff to hear their concerns before taking administrative action. Discussion ensued between CDD Ewing, CA Zafferano and Chair Parsons regarding the potential for such items to be appealed – CDD Ewing stressed that every decision he makes is appealable – and the delay that would be caused for the applicant if the items are agendaized for future meetings. It was agreed that they would discuss the process at a later time.

C Horton noted that she would be attending a Planning Commissioner training program on Thursday, May 19<sup>th</sup>, in Mountain View. Other Commissioners expressed an interest in attending and CDD Ewing agreed to email the information to them the following morning.

C Long brought up the question of which summer meeting would be cancelled, adding that he would choose July 19<sup>th</sup>. CDD Ewing agreed to put it on the agenda for the next meeting for discussion.

C Long asked when they would be receiving their next status update. Staff will prepare a project update and a Safeway code compliance update for the next meeting.

At the request of VC Dickenson, CDD Ewing agreed to remind city employees that they should not park in the visitor or limited-time parking spaces in front of the new city hall.

C Parsons asked staff to have the City arborist check on the project on Ralston that slid down the hill from Coronet. It appears to him that a fence has been put next to a couple of Oaks at the bottom end of the hill, and that debris stacking up may be endangering the trees.

C Parsons asked that staff remind Commissioners by email that they should send staff a list of contacts they have had with the principals of Ralston Village regarding their project. CDD Ewing replied that it is a good practice for Commissioners to begin their comments about any project by stating that they did or did not talk to an applicant and/or neighbors about the project. CA Zafferano interjected that the rule applies only to situations where the Commission is acting in an adjudicative capacity. For example, if they are trying to decide or if there is a variance coming up or a discretionary permit, then those kinds of disclosures are important because the applicants have certain due process rights. He added that they do not necessarily need to make those disclosures if they are considering a zoning amendment or other legislative acts. CDD Ewing noted that exceptions

might be when they are dealing with land development issues with site-specific zone changes. With regard to Ralston Village, he felt that going back to the time of the latest submittal would be a good rule of thumb, and agreed to get something to the Commission in writing to let them know what the boundaries are.

**9. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING  
OF TUESDAY,**

**MAY 24, 2005**

Liaison: Commissioner Frautschi

Alternate Liaison: Commissioner Long

*C Frautschi will be out of town for this meeting; C Long will attend.*

**9. ADJOURNMENT:**

The meeting adjourned at 9:05 p.m. to a regular meeting on Tuesday, June 7, 2005 at 7:00 p.m. at Twin Pines Senior and Community Center.

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Craig A. Ewing, AICP

Planning Commission Secretary



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